

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated December 31, 2009 has been received and its contents carefully reviewed.

Claims 41-46 and 48 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,150,029 to Ebling et al., (“Ebling”). The rejection is respectfully traversed.

In particular, Ebling is not a proper § 102(e) reference. Because Ebling is a PCT application that was filed prior to November 29, 2000, the § 102(e) date for Ebling is the date when the requirements for U.S.C. § 371 (c)(1), (2), and (4) were met. See MPEP 706.02(f)(1). This requirement was met on October 13, 2000.

On the other hand, the present application claims priority to provisional application No. 60/197,676 filed April 17, 2000. Thus, the effective filing date of the present application is prior to § 102(e) date for Ebling and thus, Ebling is not a valid § 102(e) reference.

Therefore, claim 41 recites patentable subject matter. Claims 42-46 and 48 are at least patentable by virtue of their dependency from claim 41.

Claim 47 is rejected under 35 U.S.C. § 103(a) as being obvious over Ebling in view of U.S. Patent No. 7,178,158 to Nishina et al., (“Nishina”). The rejection is respectfully traversed.

As discussed above with respect to claim 41, Ebling is not prior art under 35 U.S.C. § 102(e). Nishina does not compensate for the deficiencies of Ebling. Claim 47 is at least patentable by virtue of its dependency from claim 41.

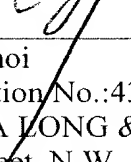
The foregoing amendments place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: February 19, 2010

Respectfully submitted,

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